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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Services and Facilities of Southern California Edison Company and San Diego Gas and Electric Company Associated with the San Onofre Nuclear Generating Station Units 2 and 3.

Investigation 12-10-013
(Filed October 25, 2012)

And Related Matters.

Application 13-01-016
Application 13-03-005
Application 13-03-013
Application 13-03-014

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING MOTION OF THE
MEET AND CONFER PARTIES TO EXTEND DATES FOR ALL-PARTY MEET
AND CONFERS, AND REQUEST ADDITIONAL INFORMATION
FROM UTILITIES**

On April 26, 2017 Southern California Edison (Edison), San Diego Gas & Electric (SDG&E) (collectively the "Utilities"), The Utility Reform Network (TURN), the Office of Ratepayer Advocates (ORA), Coalition of California Utility Employees (CCUE), Ruth Henricks, the Alliance for Nuclear Responsibility (A4NR), California State University (CSU), Western Power Trading Forum, Direct Access Customer Coalition (DACC), Coalition to Decommission San Onofre (CDSO), California Large Energy Consumers Association (CLECA), and Women's Energy Matters (WEM) [collectively Meet and Confer Parties] served and filed a Motion to extend dates for the all-party meet and confers.

Extension of Meet and Confer Session Deadline

The assigned Commissioner and Assigned Administrative Law Judge issued a Joint Ruling Directing Parties to Provide Additional Recommendations for Further Procedural Action and Substantive Modifications to Decision (D.) 14-11-040 issued on December 13, 2016 (Joint Ruling). The Joint Ruling provided a deadline of April 28, 2017 for the parties to file the results of the meet and confer sessions, as well as any further recommendations as to procedural and substantive modifications to Decision 14-11-040.¹ On April 26, 2017, the Meet and Confer Parties moved collectively for an order extending the meet and confer deadlines set out in the Joint Ruling from April 28 to August 15, 2017.

The Meet and Confer Parties stated in their motion that the extension of the deadline from April 28, 2017 to August 15, 2017 “will enable the Meet and Confer Parties to continue their discussions with the assistance of a mediator.”²

¹ The Joint Ruling stated:

If a number of parties representing a broad range of interests reach an agreement, these settling parties shall file a joint PFM setting forth their proposed revisions to D.14-11-040 consistent with the procedures set forth in Rule 12 for proposing a settlement and Rule 16.4 for Petitions for Modification. If the parties (or a sub-set of the parties representing a broad range of interests) cannot reach agreement by April 28, 2017, then the parties shall file and serve a summary of their individual positions consistent with the schedule set forth below. ...

If parties (or a sub-set of parties representing a broad range of interests) cannot by April 28, 2017, reach an agreement on modifications to D.14-11-040, the Commission will carefully consider all of its options in ruling on the pending petitions for modification. These options include, but are not limited to, entertaining additional written testimony, holding evidentiary hearings, and supplemental briefing in this proceeding.

² Meet and Confer Parties Motion filed April 26, 2017 at 2.

The Meet and Confer Parties have retained the Honorable Layn R. Phillips to mediate outstanding issues among the Meet and Confer Parties. June 15, 16, and 23, 2017 are the dates that the Meet and Confer Parties have scheduled for mediation with the mediator. The Meet and Confer Parties believe that the extension of time will allow “them to complete the mediation process and if agreement is reached to develop a settlement agreement, conduct a settlement conference, and file a joint motion for approval of the settlement agreement by the Commission.”³

All participants in the meet and confer sessions have joined in the motion to extend the meet and confer deadline until August 15, 2017. The Commission will grant this request, as it appears from the motion that the parties are working diligently to find common ground on outstanding issues, as evidenced by the Utilities retaining a mediator to further the Meet and Confer Parties discussions. We do, however, caution the parties that absent extraordinary circumstances, or a substantial showing that a settlement is close to being reached by the parties no additional extensions will be granted. The Parties are expected to file their proposed settlement and/or positions for moving forward with the proceeding on August 15, 2017.

Proposed Settlements

This Ruling also reminds the parties that any proposed settlement that is submitted to the Commission will need to comply with Rule 12 of the Commission Rules of Practice and Procedure.⁴ The Commission as decision

³ Meet and Confer Parties Motion filed April 26, 2017 at 2.

⁴ All references to Rules are to the Commission Rules of Practice and Procedure unless otherwise noted.

maker is not a party to any settlement discussions or any proposed settlements that may be reached among the parties to proceedings before the Commission. Settlement discussions are confidential and the information exchanged among the parties during these discussions is not part of the record in this proceeding consistent with Rule 12.6.

If the Meet and Confer Parties submit a motion to propose adoption of a settlement by the Commission, the motion must contain a statement of the factual and legal considerations that identify the scope of the settlement and basis that the Meet and Confer Parties believe the Commission should adopt the settlement consistent with Rule 12.1(a). The parties to the settlement must convene at least one conference to provide all parties in the proceeding an opportunity to participate and provide comment on the settlement consistent with Rule 12.1(b).

Pursuant to Rule 12.1(d), the Commission as decision maker in this proceeding is required to carefully review any proposed settlement and, to independently determine whether the settlement is reasonable in light of the entire record, consistent with the law, and in the public interest.

Parties will be able to file comments on any proposed settlement within 30 days from the date any such motion for settlement may be served and filed, and a hearing may be set consistent with Rule 12.2 and Rule 12.3. The Commission may also reject a proposed settlement if we determine that it is not in the public interest. In rejecting a settlement the Commission may hold hearings (the parties to the settlement may offer joint testimony), allow the parties time to further negotiate, or propose alternative terms to the proposed settlement consistent with

Rule 12.4. Any settlement proposed by the Meet and Confer Parties, or a sub-set of the Meet and Confer Parties must comply with the requirements of Rule 12.

International Chamber of Commerce Arbitration Award

On January 3, 2017, the Utilities filed a motion requesting an extension of time for the meet and confer sessions until after the International Chamber of Commerce (ICC) issued a written award as to the Utilities claims against Mitsubishi Nuclear Energy Systems, Inc, and Mitsubishi Heavy Industries, LTD. (collectively ""MHI"). On January 5, 2017 the assigned Administrative Law Judge denied the request to extend the April 28, 2017 meet and confer deadline. This same January 5, 2017 ruling did allow the Utilities leave to renew their request for an extension of the meet and confer deadlines if in fact an award was issued in the arbitration prior to the April 28, 2017 deadline. The Utilities were also directed if the arbitration tribunal issued an award before April 28, 2017 to file and serve the decision in this proceeding.

The ICC issued the written award in the arbitration proceeding between the Utilities and MHI on March 13, 2017. It is now the end of May 2017 and the Utilities have not filed the written award with the Commission. This ruling directs the Utilities to file and serve the complete and un-redacted written award forthwith in this proceeding.

IT IS RULED that:

1. The Joint Motion of Southern California Edison Company (U 338-E) , San Diego Gas & Electric Company (U 902-E), the Utility Reform Network, the Office of Ratepayer Advocates, Coalition of California Utility Employees, Ruth Henricks, the Alliance for Nuclear Responsibility, California State University, Western Power Trading Forum, Direct Access Customer-Coalition, Western Coalition to Decommission San Onofre, California Large Energy Consumers

Association, and Women's Energy Matters to extend dates for the all-party meet and confers from April 28, 2017 to August 15, 2017 is granted.

2. Southern California Edison Company (U 338-E) and San Diego Gas & Electric Company (U 902-E) shall file and serve the written award issued by the International Chamber of Commerce no later than 2 days from the date of this Ruling.

3. The Parties are to file the results of the meet and confer sessions either jointly if a settlement proposal has been agreed to or separately if no settlement has been reached by the Parties on or before August 15, 2017. The Parties filings are to include both procedural and substantive recommendations for how to proceed with resolving the pending petitions to modify Decision 14-11-040.

Dated May 26, 2017, at San Francisco, California.

/s/ DARCIE L. HOUCK

Darcie L. Houck
Administrative Law Judge